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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,000	05/14/2001	Kilian schuster	1-15632	1245
43935 7590 09/08/2008 FRASER CLEMENS MARTIN & MILLER LLC 28366 KENSINGTON LANE PERRYSBURG, OH 43551				
EXAMINER TRUVAN, LEYNN A THANH				
ART UNIT 2135		PAPER NUMBER		
NOTIFICATION DATE 09/08/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/855,000

Applicant(s)

SCHUSTER ET AL.

Examiner

Leynna T. Truvan

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. Claims 21-31 remains pending.
Claims 1-20 have been cancelled.

Response to Arguments

2. Applicant's arguments filed 6/9/2008 have been fully considered but they are not persuasive.

Regarding the argument on pg.10, that Allen does not show creation, transmission, detection, and checking a virtual key thereby does not teach steps e-j. Allen discloses an invention that includes defining the initiating event for the procedure, requirement, and an authorized person to perform the procedure (col.3, lines 1-65 and col.20, lines 47-56). Brooks is combined with Allen to teach the process of the creation, transmission, detection, and checking of a virtual key (Brooks - col.43, lines 8-22). Together, it would have been obvious for a person of ordinary skills in the art for the Allen and Brooks combination teaches the limitations of virtual key in steps e-i because the biometric signature (virtual key) enables authorization of building access (an action) by the individual (Brooks - col.4, lines 40-57 and col.37, lines 12-27 col.47, lines 45-60 and col.49, lines 5-6)

Examiner traverses the argument that Brooks neither generates a virtual key since it measures an existing signature of a person nor transmit the signature. As applicant have noted that the Brooks reference does measure which is then compared to an existing signature, then Brooks obviously must have generated an initial signature which is a reference signature (Brooks – col.27, lines 14-20 and col.28, lines 42-63) in order to be able to compare with the measured signature to verify the validity

(Brooks – col.13, lines 39-45 and col.17, lines 31-36) for an action to occur as disclosed by Allen's invention (Brooks - col.26, lines 60-65). The claimed invention broadly recites transmitting the virtual key to the person which allows an ordinary person to give the interpretation that the key can be transmitted in multiple forms such as via a card, paper, email, on computer screen, etc. As long as a person received this virtual key would obviously suggest the key was somehow given, transmitted, or communicated. Brooks teaches various forms of signatures (i.e. password, fingerprint, PIN, etc.) and various forms of using the signature to gain access or to cause an action to occur. The various forms may be ID cards or debit cards and PINs and passwords are given to the user (Brooks - col.28, lines 5-65 and col.30, lines 39-45). Thus, whether it is the card or merely having a password to enter on a keypad, obviously suggest that the PIN/password (virtual key) was transmitted or given to the user beforehand in order for the user to use the card or have to enter via keypad.

Hence, with Allen's invention of defining an initiating event, a requirement, and a person authorized to perform the procedure and Brook's technique of entering a PIN/password to validate the person as authorized for an action to occur obviously is modified or combined to teach gaining access to the building or elevator.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen, et al. (US 6,000,505) and further in view of Brooks (US 6,898,299).

As per claim 21:

Allen discloses a method of initiating a procedure within a building comprising the steps of:

- a. defining at least one initiating event for the procedure which event does not involve a person arriving at the building; **[col.3, lines 40-50 and col.6, lines 50-64]**
- b. defining at least one requirement for the procedure; **[col.3, lines 52-62 and col.9, lines 25-30]**
- c. defining at least one person to be authorized to perform the procedure; **[col.3, lines 1-3 and col.20, lines 47-56]**
- d. detecting the occurrence of the at least one initiating event wherein the at least one person does not define the at least one initiating event and does not cause the occurrence of the at least one initiating event; **[col.5, line 63 – col.6, lines 17 and col.13, lines 15-28]**
- e. generating a virtual key **[Brooks - col.43, lines 8-22]** for the at least one based on the at least one requirement detecting the occurrence of the at least one initiating event and prior to the at least one person arriving at the building; **[col.20, lines 2-5]**
- f. transmitting virtual key to the at least one person; **[Brooks - col.50, lines 8-30]**
- g. detecting use of the virtual key by the at least one person in the building; **[Brooks - col.34, lines 28-38]**
- h. checking the validity of the virtual key; and **[Brooks – col.28, lines 28-42 and col.37, lines 12-27]**
- i. initiating said procedure within the building if the validity check is positive **[Brooks - col.47, lines 45-60 and col.49, lines 5-6]** wherein initiating the procedure consist of performing at least one of the steps of:
opening of at least one door of the building; **[Brooks - col.37, lines 12-27 and col.47, lines 45-60]**
making at least one elevator available;

opening of at least one elevator door; and

j. performing said steps a. through i. in an access control computer system associated with the building.

[col.19, line 37 – col.20, line 60]

The claimed initiating event can broadly be interpreted as to begin or trigger a function or event. Allen defines the initiating event as an emergency or fire/smoke condition causing a signal (col.5, line 63 – col.6, lines 17) to a building security station, to a fire department, and to an alarm system to alert or alarm a fire/smoke so that procedure(s) is initiated accordingly (col.3, lines 3, lines 40-62 and col.4, lines 37-49). A procedure can broadly be given as opening/closing predetermined doors, operation of fire doors, sounding alarms, elevator functions, etc. (col.6, lines 50-64 and col.9, lines 25-30) Allen discloses a signal control system that have a communication mechanism connectable to a remote communication system at a location remote from the building (i.e. fire department). The communication mechanism sends the detection signal and at least one status signals to the remote communication system to providing building status information to the location remote from the building that has detected an emergency condition in the building (col.5, line 63 – col.6, lines 17). Allen's invention reads the claimed invention that does not involve a person arriving at the building since fire/smoke is detected by sensing devices which then initiates an emergency or fire/smoke condition for procedures (as discussed above) within the building. As a result, the fire department personnel can monitor and control the building's status upon receiving the initial alarm signal and prior to arriving at the building to override elevators or door functions (co.3, lines 1-6 and col.19, line 37 – col.20, line 40 and col.20, lines 45-60). Hence, Allen reads on the limitations of steps a-e. However, Allen does not go into further details of generating virtual key based the requirement and steps f-i related to the generated virtual key.

Brooks discloses an invention pertaining to methods and apparatus for authorizing actions by an individual using a computer. The actions can include communication access, ATM machines, and location access (i.e. vault, room, building, compound, etc.) (col.4, lines 41-65). The claimed virtual key can broadly interpret to a password, code, PIN or biometric signature that an authorized person can use to identify or verify themselves. Brooks discloses generating biometric patterns or biometric signatures for identification and verification using sensors where the biometric data can be placed onto a smart card (col.34, lines 28-38 and col.43, lines 8-22) for the person to use when entering/arriving at the building (col.33, lines 40-67 and col.34, lines 30-38). The biometric can be verified to perform various actions for authorized persons only where such actions can be to open doors, access to the building, telephone box (col.37, lines 12-27 and col.47, lines 45-60).

Thus, it would have been obvious for a person of ordinary skills in the art at the time of the invention to combine Allen with Brooks teaching the limitations of virtual key in steps e-i because the biometric signature (virtual key) enables authorization of building access (an action) by the individual (**Brooks** - col.4, lines 40-57 and col.37, lines 12-27 col.47, lines 45-60 and col.49, lines 5-6)

As per claim 22: See **Brooks - col.43, lines 8-22**; discusses a step of assigning an encrypted code to the virtual key.

As per claim 23: See **Brooks - col.43, lines 8-22**; discusses the steps of adding a signature to the virtual key and identifying a recipient of the transmitted virtual key by the signature.

As per claim 24: See **Allen on col.6, lines 50-64 and col.9, lines 25-30**; discusses defining different procedures for different initiating events.

As per claim 25: See **Allen on col.6, lines 50-64 and col.9, lines 25-30**; discusses defining different requirements for different procedures.

As per claim 26: See Allen on col.6, lines 50-64 and col.9, lines 25-30 and Brooks - col.43, lines 8-22 ;

discusses transmitting different virtual keys to said person for different initiating events.

As per claim 27: See discusses storing said virtual key partially or completely.

As per claim 28: See Brooks – col.28, lines 28-42 and col.37, lines 12-27;; discusses the steps of identifying the at least one person with biometrics characteristics.

As per claim 29: See Allen on col.5, line 63 – col.6, line 64 and Brooks – col.4, lines 41-65; discusses the method according to Claim 21, further comprising at least one of the steps of: initiating a control procedure of elevator in the building; initiating a medical assistance procedure; initiating a building cleaning procedure; and initiating a guest reception procedure.

As per claim 30: See Brooks – col.34, lines 28-38 and col.43, lines 8-22; discusses the step of transmitting the virtual key using wireless devices.

As per claim 31:

Allen discloses a method of initiating a procedure within a building comprising the steps of:

- a. defining at least one initiating event for the procedure which event does not involve a person arriving at the building; **[col.3, lines 40-50 and col.6, lines 50-64]**
- b. defining at least one of a security requirement and an availability requirement for the procedure; **[col.3, lines 52-62 and col.9, lines 25-30]**
- c. defining at least one person to be authorized to perform the procedure; **[col.3, lines 1-3 and col.20, lines 47-56]**
- d. detecting the occurrence of the at least one initiating event wherein the at least one person does not define the at least one initiating event and does not cause the occurrence of the at least one initiating event; **[col.5, line 63 – col.6, lines 17 and col.13, lines 15-28]**

- e. *generating a virtual key [Brooks - col.43, lines 8-22]* for the at least one based on the at least one requirement detecting the occurrence of the at least one initiating event and prior to the at least one person arriving at the building; **[col.20, lines 2-5]**
- f. transmitting virtual key to the at least one person; **[Brooks - col.50, lines 8-30]**
- g. detecting use of the virtual key by the at least one person in the building; **[Brooks - col.34, lines 28-38]**
- h. checking the validity of the virtual key; and **[Brooks - col.28, lines 28-42 and col.37, lines 12-27]**
- i. initiating said procedure within the building if the validity check is positive **[Brooks - col.47, lines 45-60 and col.49, lines 5-6]** wherein initiating the procedure consist of performing at least one of the steps of:
opening of at least one door of the building; [Brooks - col.37, lines 12-27 and col.47, lines 45-60]
making at least one elevator available;
opening of at least one elevator door; and
- j. performing said steps a. through i. in an access control computer system associated with the building.
[col.19, line 37 – col.20, line 60]

The claimed initiating event can broadly be interpreted as to begin or trigger a function or event. Allen defines the initiating event as an emergency or fire/smoke condition causing a signal (col.5, line 63 – col.6, line 17) to a building security station, to a fire department, and to an alarm system to alert or alarm a fire/smoke so that procedure(s) is initiated accordingly (col.3, lines 3, lines 40-62 and col.4, lines 37-49). A procedure can broadly be given as opening/closing predetermined doors, operation of fire doors, sounding alarms, elevator functions, etc. (col.6, lines 50-64 and col.9, lines 25-30) Allen discloses a signal control system that have a communication mechanism connectable to a remote communication system at a location remote from the building (i.e. fire department). The communication mechanism sends the detection signal and at least one status signal to the remote communication system to providing building status information to the location remote from the

building that has detected an emergency condition in the building (col.5, line 63 – col.6, lines 17). Allen's invention reads the claimed invention that does not involve a person arriving at the building since fire/smoke detected by sensing devices which then initiates an emergency or fire/smoke condition for procedures (as discussed above) within the building. As a result, the fire department personnel can monitor and control the building's status upon receiving the initial alarm signal and prior to arriving at the building to override elevator door functions (co.3, lines 1-6 and col.19, line 37 – col.20, line 40 and col.20, lines 45-60). Hence, Allen reads the limitations of steps a-e. However, Allen does not go into further details of generating virtual key based the requirement and steps f-i related to the generated virtual key.

Brooks discloses an invention pertaining to methods and apparatus for authorizing actions by an individual using a computer. The actions can include communication access, ATM machines, and location access (i.e. vault, room, building, compound, etc.) (col.4, lines 41-65). The claimed virtual key can broadly interpret to a password, code, PIN or biometric signature that an authorized person can use to identify or verify themselves. Brooks discloses generating biometric patterns or biometric signatures for identification and verification using sensors where the biometric data can be placed onto a smart card (col.34, lines 28-38 and col.43, lines 8-22) for the person to use when entering/arriving at the building (col.33, lines 40-67 and col.34, lines 30-38). The biometric can be verified to perform various actions for authorized persons only where such actions can be to open doors, access to the building, telephone box (col.37, lines 12-27 and col.47, lines 45-60).

Thus, it would have been obvious for a person of ordinary skills in the art at the time of the invention to combine Allen with Brooks teaching the limitations of virtual key in steps e-i because the biometric signature (virtual key) enables authorization of building access (an action) by the individual (**Brooks** - col.4, lines 40-57 and col.37, lines 12-27 col.47, lines 45-60 and col.49, lines 5-6)

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leynna T. Truvan whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. T. T./
Examiner, Art Unit 2135

/KimYen Vu/
Supervisory Patent Examiner, Art Unit 2135